

### **REMARKS/ARGUMENTS**

Claims 1, 14-16, 26, 28-30, 33, 43, 55-57, 60, 67, 69, 70, and 71 are currently amended for editorial clarity.

Claims 1-15, 18-56, and 59-83 stand rejected.

Claims 16, 17, 57, and 58 are objected to.

### **Inventorship**

Applicants acknowledge the change in inventorship adding Philip J. Tomasi.

### **Response to Amendment**

The Examiner has stated that the previous Declaration filed under 37 C.F.R. §1.131 is ineffective as it fails to state that the acts relied on were carried out within this country or a NAFTA or WTO member nation. The previous Declaration also fails to include all inventors or provide an explanation as to why less than all inventors are making a declaration.

Filed herewith is another Declaration under 37 C.F.R. §1.131. This Declaration specifically asserts that all acts relied upon were conducted within the United States. The Declaration also contains the declarations of all inventors, William H. Barber and Philip J. Tomasi.

### **Claim Rejection – 35 USC § 102**

The Examiner has rejected Claims 1, 18, 20, 21, 23, 24, 26, 43, 50, 51, 53, 59, 61, 62, 64, 65, 67, and 68 under the pre-American Inventors Protection Act of 1999 (AIPA) version of 35 U.S.C. §102(e) as being anticipated by U.S. Patent 6,182,857 (“Hamm”). Applicants respectfully disagree and traverse the rejection since, among other reasons, Hamm is not prior art to the inventions of claims 1, 18, 20, 21, 23, 24, 26, 43, 50, 51, 53, 59, 61, 62, 64, 65, 67, and 68. Applicants’ enclosed Declaration under 37 C.F.R. §1.131 and MPEP §715 antedates Hamm. The Declaration specifically shows conception of the invention prior to the effective date (December 31, 1998) of Hamm and due diligence from this conception to the effective filing date of this present application (the ‘631 Application).

Accordingly, we have shown why Hamm is avoided and inapplicable as prior art to the present '631 Application. For these reason and more, Applicants contend that claims 1, 18, 20, 21, 23, 24, 26, 43, 50, 51, 53, 59, 61, 62, 64, 65, 67, and 68 are allowable and request reconsideration.

### **Claim Rejections – 35 USC § 103**

Claims 2-8, 27-29, 42, 44-53, 60-62, 69, 70 and 83 stand rejected as being unpatentable over U.S. Patent No. 5,934,439 ("Kano") in view of Hamm, under 35 U.S.C. §103(a). Applicants respectfully disagree and traverse the rejection since, among other reasons, Hamm is not prior art to the inventions of claims 2-8, 27-29, 42, 44-53, 60-62, 69, 70 and 83, as set forth in the attached Rule 131 Declaration.

Furthermore, Kano also does not render claims 2-8, 27-29, 42, 44-53, 60-62, 69, 70 and 83 *prima facie* obvious. The following is a quotation of from the MPEP setting forth the three basic criteria that must be met to establish a *prima facie* case of obviousness:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. MPEP §2142, citing *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Among other reasons, for example, Kano does not teach each and every feature of claims 2-8, 27-29, 42, 44-53, 60-62, 69, 70 and 83, and cannot therefore anticipate or render these claims obvious. Reconsideration is requested.

As applied to Applicants' claim 2, claims 30-32, 71 and 72 stand rejected as being unpatentable over Kano in view of Hamm, and further in view of U.S. Patent No. 5,822,291 ("Brindze"), under 35 U.S.C. §103(a). Applicants respectfully disagree and traverse the rejection since, among other reasons, Hamm is not prior art to the inventions of claims 30-32, 71 and 72, as set forth in the attached Rule 131 Declaration.

Kanoh and Brindze also do not render claims 30-32, 71 and 72 *prima facie* obvious, since, among other reasons, Kanoh and Brindze fail to teach or reasonably suggest every element of claims 30-32, 71 and 72. Reconsideration is requested.

Claims 9-12 and 19 stand rejected as being unpatentable over Hamm in view of U.S. Patent No. 4,915,205 ("Reid"), under 35 U.S.C. §103(a). Applicants respectfully disagree and traverse the rejection since, among other reasons, Hamm is not prior art to the inventions of claims 9-12 and 19, as set forth in the attached Rule 131 Declaration.

Reid also does not render claims 9-12 and 19 *prima facie* obvious, since, among other reasons, Reid fails to teach every element of claims 9-12 and 19. Reconsideration is requested.

Claims 13, 54, 55 and 56 stand rejected as being unpatentable over Hamm in view of U.S. Patent No. 5,938,510 ("Takahashi"), under 35 U.S.C. §103(a). Applicants respectfully disagree and traverse the rejection since, among other reasons, Hamm is not prior art to the inventions of claims 13, 54, 55 and 56, as set forth in the attached Rule 131 Declaration.

Takahashi also does not render claims 13, 54, 55 and 56 *prima facie* obvious, since, among other reasons, Takahashi fails to teach every element of claims 13, 54, 55 and 56. Reconsideration is requested.

As applied to claim 2, claims 14 and 15 stand rejected as being unpatentable over Kanoh in view of Hamm, and further in view of Takahashi, under 35 U.S.C. §103(a). Applicants respectfully disagree and traverse the rejection since, among other reasons, Hamm is not prior art to the inventions of claims 14 and 15, as set forth in the attached Rule 131 Declaration.

Kanoh and Takahashi also do not render claims 14 and 15 *prima facie* obvious, since, among other reasons, Kanoh and Takahashi fail to teach or reasonably suggest every element of claims 14 and 15. Reconsideration is requested.

Claims 22, 36-38, 63, 77-79 stand rejected as being unpatentable over Hamm in view of U.S. Patent No. 6,289,322 ("Kitchen"), under 35 U.S.C. §103(a). Applicants respectfully disagree and traverse the rejection since, among other reasons, Hamm is not prior art to the inventions of claims 22, 36-38, 63, 77-79, as set forth in the attached Rule 131 Declaration.

Kitchen also does not render claims 22, 36-38, 63, 77-79 *prima facie* obvious, since, among other reasons, Kitchen fails to teach every element of claims 22, 36-38, 63, 77-79. Reconsideration is requested.

Claims 25, 34, 35, 66, 75 and 76 stand rejected as being unpatentable over Hamm in view of U.S. Patent No. 5,724,521 ("Dedrick"), under 35 U.S.C. §103(a). Applicants respectfully disagree and traverse the rejection since, among other reasons, Hamm is not prior art to the inventions of claims 25, 34, 35, 66, 75 and 76, as set forth in the attached Rule 131 Declaration.

Dedrick also does not render claims 25, 34, 35, 66, 75 and 76 *prima facie* obvious, since, among other reasons, Dedrick fails to teach every element of claims 25, 34, 35, 66, 75 and 76. Reconsideration is requested.

Claims 33, 73 and 74 stand rejected as being unpatentable over Hamm in view of U.S. Patent No. 5,900,608 ("Iida"), under 35 U.S.C. §103(a). Applicants respectfully disagree and traverse the rejection since, among other reasons, Hamm is not prior art to the inventions of claims 33, 73 and 74, as set forth in the attached Rule 131 Declaration.

Iida also does not render claims 33, 73 and 74 *prima facie* obvious, since, among other reasons, Iida fails to teach every element of claims 33, 73 and 74. Reconsideration is requested.

Claims 39-41 and 80-82 stand rejected as being unpatentable over Hamm in view Iida, under 35 U.S.C. §103(a). Applicants respectfully disagree and traverse the rejection since, among other reasons, Hamm is not prior art to the inventions of claims 39-41 and 80-82, as set forth in the attached Rule 131 Declaration.

Iida also does not render claims 39-41 and 80-82 *prima facie* obvious, since, among other reasons, Iida fails to teach every element of claims 39-41 and 80-82. Reconsideration is requested.

Claims 1-8, 18, 20, 21, 23, 24, 26-29, 42-53, 59-62, 64, 65, 67-70 and 83 stand rejected as being unpatentable over Kanoh in view of U.S. Patent No. 4,812,629 ("O'Neil"), under 35 U.S.C. §103(a). Applicants respectfully disagree and traverse the rejection.

Kanoh and O'Neil do not render claims 1-8, 18, 20, 21, 23, 24, 26-29, 42-53, 59-62, 64, 65, 67-70 and 83 *prima facie* obvious, since, among other reasons, Kanoh and O'Neil fail to teach or reasonably suggest every element of claims 1-8, 18, 20, 21, 23, 24, 26-29, 42-53, 59-62, 64, 65, 67-70 and 83.

In one example, the system of claim 1 transmits an electronic receipt for the transaction to a user specified address in the user's billing information. O'Neil, on the other hand, teaches "...printing means for printing a statement of the transactions..." where "[s]uch printing means preferably includes a conventional receipt printer 112..." (col. 8, lines 26-40). O'Neil does not teach or reasonably suggest electronic delivery of the receipt to an address within the user's billing information.

The ability to deliver a receipt for the transaction to the user's email address provides convenience to users. Users do not have to be concerned with paper receipts and may direct their attention to the receipt when it is convenient to do so. Furthermore, users have web-access to their email account and may utilize this service to process the receipt from any web-enabled computer or device.

Kanoh does not teach any means to communicate with the user by electronic delivery. Instead, Kanoh sends messages to a user only by CRT display, printout and sound, which require the user to be in close proximity to the kiosk. As such, Kanoh does not teach or reasonably suggest electronic delivery of the receipt to an address within the user's billing information.

Accordingly, the combination of Kanoh with O'Neil does not teach or suggest Applicants' claim 1. There is also no teaching or suggestion to combine references, or to modify Kanoh and O'Neil to render Applicants' claim 1. MPEP §2142 specifically requires that the references teach every claim element when combined, or that there is a reasonable chance of success in modifying Kanoh and O'Neil to render claim 1. Since this cannot be shown, Applicants contend that claim 1 is allowable and request reconsideration.

Claim 43 teaches a method including the step of transmitting an electronic receipt to a user-specified address, defined in the user's billing information. Again, O'Neil and Kanoh are silent on delivery of an electronic message, such as a receipt, to a user. Therefore, among other reasons, Kanoh and O'Neil do not teach or reasonably suggest the method of claim 43. Reconsideration is thus also requested for claim 43.

Claims 2-8, 18, 20, 21, 23, 24, 26-29, and 42 depend from claim 1, and claims 44-53, 59-62, 64, 65, 67-70 and 83 depend from claim 43, and thus benefit from like arguments. For example, Kanoh and O'Neil, individually or in combination, fail to teach or reasonably suggest every element of claims 2-8, 18, 20, 21, 23, 24, 26-29, 42, 44-53, 59-62, 64, 65, 67-70 and 83. Therefore, *prima facie* obviousness has not been established (MPEP §706.02(j)).

In addition to the arguments in support of patentability of the base claim 1 and 43, additional patentable distinctions are also apparent with respect to claims 2-8, 18, 20, 21, 23, 24, 26-29, 42, 44-53, 59-62, 64, 65, 67-70 and 83. By way of example, the following features are not taught, suggested or disclosed within Kanoh and/or O'Neil:

- instructions to read from one of said optical storage media (claim 2);
- instructions to display data read from an optical storage media (claim 2);
- instructions to read and detect errors on returned media (claim 5);
- instructions to generate a recording responsive to the detection of errors on the media (claim 6);
- instructions to receive a signal from a user that the media contains an error (claim 7);
- opening of a transaction responsive to receiving a user's billing information (claim 18, 59);
- closing of a transaction responsive to a user returning media (claims 19, 60);
- an internet service provider to convey messages (claim 26);
- a third processor operable to direct the transmission of messages (claim 26);
- instructions to insert or remove data from a message (claim 26);
- reading the media and displaying media data on a kiosk display (claim 44);
- detecting an error on the media (claim 46);
- generating a recoding indicative of an error on the media (claim 47);

- generating a messaging in the kiosk (claim 67); and
- transmitting a message from the kiosk to the system server (claim 68).

According to MPEP §2142, prior art references must teach or suggest all the claim limitations. MPEP §2142, citing *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). As the above examples illustrate, the combination of O'Neil with Kanoh fail to teach all of the claim limitations of the '631 Application. Therefore, claims 1-8, 18, 20, 21, 23, 24, 26-29, 42-53, 59-62, 64, 65, 67-70, and 83 are not rendered obvious by O'Neil and Kanoh. Reconsideration is requested.

Claims 30-32, 71 and 72 stand rejected as being unpatentable over Kanoh in view of O'Neil and in further view of Brindze, under 35 U.S.C. §103(a). Applicants respectfully disagree and traverse the rejection. First of all, claims 30-32 depend from claim 1, and claims 71-72 depend from claim 43, argued above. Claims 30-32 and 71-72 benefit from like arguments in that Kanoh and O'Neil fail to teach each element of these claims.

Moreover, Applicants' claim 30 contains identification markings on the optical storage media, including a concentric marking around a center of the optical storage media. Applicants' specification describes, for example, concentric rings read linearly across the media. See page 5, line 11-12, FIG. 7, and page 14, line 27 – page 15, line 13. Brindze teaches a linear marking, placed concentrically about a media center, and read by rotating the media over a stationary reader. Brindze, FIG. 1A, FIG. 13, FIG. 15, Col. 16, lines 19-24. Brindze thus fails to teach or reasonably suggest concentric media identification. The defect in Brindze is not remedied by application of O'Neil or Kanoh, which are silent on media marking.

Similarly, claim 71 teaches a method of reading concentric markings around a center of an optical storage media. Again, neither Brindze, O'Neil, nor Kanoh teach or reasonably suggest a method of reading concentric markings around a center of an optical storage media.

Accordingly, claims 30-32, 71 and 72 are non-obvious as Kanoh, O'Neil, and Brindze, individually or in combination, fail to teach or reasonably suggest every element of claims 30-32, 71 and 72. Therefore, *prima facie* obviousness has not been established (MPEP §706.02(j)) and reconsideration is requested.

Claims 9-12 and 19 stand rejected as being unpatentable over Kanoh in view of O'Neil as applied to claim 1 and in further view of Reid, under 35 U.S.C. §103(a). Applicants respectfully disagree and traverse the rejection.

As stated by the Examiner, Kanoh combined with O'Neil teaches a storage carousel for CDs. The above remarks regarding Kanoh and O'Neil describe the patentably distinct differences between Applicants' claim 1, from which claims 9-12 and 19 depend. Claims 9-12 and 19 benefit from like arguments since, among other reasons, Reid too does not teach every element of claim 1. The combination of Reid with Kanoh and O'Neil still fails to render claims 9-12 and 19 *prima facie* obvious, since, among other reasons, Kanoh, O'Neil, and Reid, individually or in combination, fail to teach or reasonably suggest every element of claims 9-12 and 19. For example, claim 19 teaches the closing of a transaction responsive to the returning of media. Neither Reid, Kanoh, nor O'Neil teach the closing of a transaction opened by the rental of media. Reconsideration is requested.

Claims 13, 54, 55, and 56 stand rejected as being unpatentable over Kanoh in view of O'Neil as applied to claim 1 and in further view of Takahashi, under 35 U.S.C. §103(a). Applicants respectfully disagree and traverse the rejection.

As noted by the Examiner, Kanoh and O'Neil do not teach a device to polish CDs. The above remarks regarding Kanoh and O'Neil patentably distinguish Applicants' claim 1, from which claim 13 depends, and claim 43, from which claims 54-56 depend. Such arguments are also applicable to the Examiner's rejection of claims 13, 54-56. Combining Takahashi with Kanoh and O'Neil fails to render claims 13, 54, 55, and 56 *prima facie* obvious, since, among other reasons, Kanoh, O'Neil, and Takahashi, individually or in combination, fail to teach or reasonably suggest every element of claims 13, 54, 55, and 56. As one example, Applicants' claim 55 performs the step of reading the media, performing an error checking routine, and generating indicia of an error. Claim 56, which depends from claim 55, displays a warning indicative of an error and further indicating the need to insert the media into the polishing mechanism. Takahashi, Kanoh, and/or O'Neil are silent on the issue of reading the media data.

Claims 13, 54, 55, and 56 are non-obvious and patentable over Kanoh, O'Neil, and Takahashi. Reconsideration is requested.



Claims 14 and 15 stand rejected as being unpatentable over Kanoh in view of O'Neil as applied to claim 2 and in further view of Takahashi, under 35 U.S.C. §103(a). Applicants respectfully disagree and traverse the rejection.

We have already explained why the combination of Kanoh and O'Neil does not teach features of claim 1. Claims 14-15 benefit from like arguments. In addition, the system of claim 14 provides an optical reading mechanism with instructions to a) read the optical storage media, b) perform an error checking routine on the media, and c) generate an indicia of an error, responsive to a detected error in the optical storage media. Neither Kanoh, O'Neil, nor Takahashi teaches or reasonably suggests any device operable to read the media and determine if there are errors thereon. Furthermore, it is not possible for Kanoh, O'Neil, or Takahashi to generate a warning reflective of a need to insert a media into the media polishing mechanism, as provided by claim 15, as no means to read the media data is provided in the references.

Claim 14 and 15 are non-obvious as Kanoh, O'Neil, and Takahashi, individually or in combination, fail to teach or reasonably suggest every element of claims 14 and 15, as exemplified above. Therefore, *prima facie* obviousness has not been established (MPEP §706.02(j)) and reconsideration is requested.

Claims 22, 36-38, 63, and 77-79 stand rejected as being unpatentable over Kanoh in view of O'Neil as applied to claim 1 and in further view of Kitchen, under 35 U.S.C. §103(a). Applicants respectfully disagree and traverse the rejection.

As stated by the Examiner, Kanoh and O'Neil do not disclose transmitting a bill by email. Combining Kitchen with Kanoh and O'Neil still fails to render claims 22, 36-38, 63, and 77-79 *prima facie* obvious, since, among other reasons, Kanoh, O'Neil, and Kitchen, individually or in combination, fail to teach or reasonably suggest every element of claims 22, 36-38, 63, and 77-79. In one example, O'Neil teaches a media vending system with "means for printing a statement of the transactions..." (col. 8, ln 27-28). Kitchen teaches receiving billing information from billers 705 (FIG. 7) which is then processed and presented to a user. There is no suggestion or motivation to combine Kitchen with O'Neil and/or Kanoh, explicitly or implicitly found in the references. (MPEP §2142, citing *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)). Furthermore, Kitchen is a billing system. Billing systems may be useful but are non-analogous art to receipt delivery as provided in the

'631 Application. If such a combination were to be created, there would not a reasonable expectation of success nor would such a combination teach or suggest every element of claims 22, 36-38, 63, and 77-79.

More particularly, Kitchen teaches a billing system that may be beneficial for a user to receive and pay bills from associated client billers. According to Kitchen, a biller may be an insurance company, mortgage company, telephone company, or other similar repeating, post-event biller that "may represent individual merchants, utility companies, service providers, bank credit card companies, or other individuals or entities to whom a payment is owed." (col. 6, ln. 4-7). A point-of-sale media rental kiosk is not, nor could it be, "an entity to whom a payment is owed" within the disclosure provided in Kitchen. Kitchen discloses a plurality of billers, not a single point-of-sale media rental kiosk, submitting billing information to a central processor for aggregation, formatting, and transmission to a user for payment. Kitchen, therefore, teaches away from delivering a receipt by email suitable for use in a media rental kiosk. Furthermore, the application of Kitchen, with O'Neil and Kanoh, in such a media rental kiosk operation, is not taught, reasonably suggested, capable of maintaining any reasonable expectation of success, nor would it teach or suggest all elements of claims 22, 36-38, 63, and 77-79.

Kitchen is suitable for requesting funds from an authorized user after a service has been provided. The utility of Kitchen is nonexistent when combined with O'Neil or Kanoh into a media rental kiosk system. If such a combination were to be made, users of a media rental kiosk would have to have a pre-established account with the media rental kiosk operator. Each pre-established account would require a credit check, credit limit determination, and means to identify transactions as postable to a given account. Additionally, Kitchen's method of requesting payment (i.e., a bill) is particularly ill suited for media rental kiosks. It is difficult to envision users applying for credit with the media kiosk operator, obtaining a credit account from each kiosk operation entity, obtaining a key, such as a custom credit card used specifically to access the credit account, inserting the credit card, renting media, receiving a billing email, determining if they will authorize payment, and if payment is authorized, send a reconciliation statement to the kiosk.

As explained above, claims 22, 36-38, 63, and 77-79 are non-obvious in view of Kanoh, O'Neil, and Kitchen, individually or in combination, as they fail to teach or reasonably suggest every element of claims 22, 36-38, 63, and 77-79. Therefore, *prima facie*

obviousness has not been established (MPEP §706.02(j)). Applicants respectfully submit that the application of Kitchen entails impermissible hindsight, as there is no suggestion or motivation to combine Kitchen with Kanoh and O'Neil, and Kitchen is non-analogous art. Furthermore, the creation of such a combination still fails to teach each claimed limitation as illustrated above. Reconsideration is requested.

Claims 25, 34, 35, 66, 75 and 76 stand rejected as being unpatentable over Kanoh in view of O'Neil as applied to claim 1 and in further view of Dedrick, under 35 U.S.C. §103(a). Applicants respectfully disagree and traverse the rejection.

The above remarks regarding Kanoh and O'Neil patentably distinguish claims 1 and 43, from which claims 25, 34, and 35 and claims 66, 75, and 76 depend, respectively. Claims 25, 34, 35, 66, 75 and 76 nonetheless benefit from like arguments. Moreover, combining Dedrick with Kanoh and O'Neil still fails to render claims 25, 34, 35, 66, 75 and 76 *prima facie* obvious, since, among other reasons, Kanoh, O'Neil, and Dedrick, individually or in combination, fail to teach or reasonably suggest every element of claims 25, 34, 35, 66, 75 and 76.

For example, Applicants' system of claim 34 includes an advertisement within the email receipt of claim 1. Neither Kanoh, O'Neil, nor Dedrick provide any teaching or suggestion of emailing a receipt. Therefore, it would not be possible to combine the reference to obtain a system wherein a receipt contains an advertisement. Claim 35 provides advertisements, to be included within a receipt, which are directed towards media available at a kiosk and is similarly not provided or suggested in the references.

As another example, the method taught in claim 75 provides a step of transmitting an advertisement with the email receipt transmitted in claim 1. Claim 76 provides a further limitation wherein the advertisement is in the form of a promotion for a kiosk. The references do not teach or reasonably suggest any method of transmitting an advertisement within an email receipt.

As explained above, claims 25, 34, 35, 66, 75 and 76 are non-obvious in view of Kanoh, O'Neil, and Dedrick. Neither the individual nor the combined references teach or reasonably suggest every element of claims 25, 34, 35, 66, 75 and 76. Reconsideration is requested.

Claims 33, 73, and 74 stand rejected as being unpatentable over Kanoh in view of O'Neil as applied to claim 1 and in further view of Iida, under 35 U.S.C. §103(a). Applicants respectfully disagree and traverse the rejection.

Like before, claims 33, 73 and 74 benefit from arguments relating to claims 1 and 43. Accordingly, combining Iida with Kanoh and O'Neil still fails to render claims 33, 73, and 74 *prima facie* obvious, since, among other reasons, Kanoh, O'Neil, and Iida, individually or in combination, fail to teach or reasonably suggest every element of claims 33, 73, and 74. Reconsideration is requested.

Claims 39-41 and 80-82 stand rejected as being unpatentable over Kanoh in view of O'Neil and in further view of Iida, under 35 U.S.C. §103(a). Applicants respectfully disagree and traverse the rejection.

Again, claims 39-41 and 80-82 benefit from arguments relating to claims 1 and 43. Accordingly, combining Iida with Kanoh and O'Neil still fails to render claims 39-41 and 80-82 *prima facie* obvious, since, among other reasons, Kanoh, O'Neil, and Iida, individually or in combination, fail to teach or reasonably suggest every element of claims 39-41 and 80-82. Reconsideration is requested.

#### **Allowable Subject Matter**

Applicants appreciate the indication of allowable subject matter in claims 16, 17, 57, and 58.

#### **Response to Arguments**

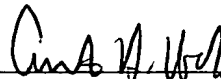
The Examiner has considered and found the previous remarks by Applicants non-persuasive in view of the new grounds for rejection and the insufficiency of the previous Declaration filed under 37 C.F.R. §1.131. The Applicants herein submit a replacement Declaration filed under 37 C.F.R. §1.131 to remedy the insufficiencies. Furthermore, Applicants have presented arguments that demonstrate patentability over the Examiner's prior and new grounds for rejection.

In summary, we have shown why claims 1-83 are patentable distinguishable over the prior art and that Hamm is inapplicable as a prior art 35 U.S.C. §102(e) reference to these claims. Reconsideration and allowance of claims 1-83 is hereby requested.

Other than the petition for the three-month extension of time, no fees are deemed necessary in connection with this response. However, if any additional fee is due in connection with this response, please charge Deposit Account No. 12-0600.

Respectfully submitted,

Date: 6-19-03

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